

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Rudi Haimerl et al.  
Serial No: 10/565,638  
Filed: 1/24/2006  
Title: Packaging Container Consisting of a Plastic Film  
Examiner: Jes F. Pascua  
Art Unit: 3782

**Commissioner for Patents**

**Alexandria, VA 22313-1450**

**RESPONSE AFTER FINAL PURSUANT TO 37 CFR 1.116**

In response to the office action dated 6/1/2009, applicant submits the following:

**REMARKS**

Claims 13, 15-20, 23-28 are pending in the application.

Claim 23 is allowed.

**Claim Rejections - 35 U.S.C. 112**

Claims 13, 15-20, and 24-28 stand rejected under 35 U.S.C. 112, 1st paragraph, as failing to comply with the written description requirement. The examiner states that the specification as filed lacks antecedence for "handle loop part extending between the ends and resting flat without being folded on the support patch". The examiner further states that the original figures as filed show the handle loop part (4) resting flat on the support patch (6) but there is no evidence in the original written specification that applicant intended to preclude folding the handle loop part in order for it to rest flat. The examiner states that this is a new matter rejection.

Applicant respectfully disagrees. According to MPEP 2163.02 Standard for